THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.1645 of 2006

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Dated:31.01.2006

Between:

S. Nagamani, W/o. S. Padmaiah,
R/o. 10-107/2, R.K. Puram, VIjayapuri,Saroornagar Mandal,
Ranga Reddy District,

..... PETITIONER

AND

The Special Collector, Land Acquisition, Outer Ring Road Project,
HUDA Premises, Tarnaka, at Hyderabad,

.....RESPONDENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.1645 of 2006

ORDER:

The petitioner is allegedly the owner of land comprised in Survey Nos.159, 160 and 161 of Mangalpally Village, Ibrahimpatnam Mandal, Ranga Reddy District. The Project Director, Outer Ring Road, and Special Collector (L.A), issued a notification under Section 4(1) of the Land Acquisition Act, 1894, on 13.12.2005 proposing to acquire the land in the above said Survey numbers. She alleges that though what was notified is the land in Survey No.161 admeasuring Ac.1.20 guntas, the sub-ordinate staff of the respondent are going to the land admeasuring Acs.10.08 guntas in Survey No.161. Apprehending that the said land would be acquired instead of the land that is to be acquired, the present writ petition is filed seeking a direction to the respondent not to interfere with the petitioner's land in Survey No.161 of Mangalpally Village.

After hearing the learned Counsel for the petitioner, this Court is convinced that the writ petition is filed on a mere apprehension. There is always presumption in favour of the action taken by the Government pursuant to the power conferred by a statute.

A perusal of the notification would show that what was proposed is the land admeasuring Acs.10.08 guntas in Survey No.160 and the land in Survey No.161 admeasuring Ac.1.20 guntas. In connection with the survey of the land, if the petitioner's land is visited by the officials, there cannot be any reason to come to the conclusion that the respondent is acquiring the land, which is not notified. If the petitioner has any grievance, she may approach the respondent at the stage of award enquiry and also seek the subdivision plan that would be available in the Office of the respondent.

The Writ Petition, with the above observations, is dismissed. No costs.

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(V.V.S.RAO, J)

31.01.2006

vs